

ASSEMBLY, No. 2953

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Exempts contaminated and industrially-zoned sites from affordable housing rules.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/24/2020)

1 AN ACT concerning affordable housing and supplementing
2 P.L.1985, c.222 (C.52:27D-301 et al.).

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Notwithstanding any regulation of the Council on
8 Affordable Housing to the contrary, no fair share obligation shall
9 result from and no fees by municipalities shall be permitted to be
10 charged to a developer pursuant to the “Fair Housing Act,”
11 P.L.1985, c.222 (C.52:27D-301 et al.), upon the construction of
12 facilities on land that has been designated as a contaminated site by
13 the New Jersey Department of Environmental Protection or that is
14 zoned for industrial use.

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16 2. This act shall take effect immediately.

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STATEMENT

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21 This bill would prohibit the Council on Affordable Housing to
22 the calculate fair share affordable housing obligation for a
23 municipality on the basis of any development of contaminated sites
24 or industrial sites within its borders. In addition, the bill directs that
25 a municipality shall not charge fees to a developer pursuant to the
26 “Fair Housing Act,” P.L.1985, c.222 (C.52:27D-301 et al.), upon
27 the developer’s remediation of a contaminated site or application
28 for development of an industrially-zoned site.

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30 Developers and others expend significant resources to turn land
31 which has been contaminated with toxins into useful, developable
32 land. In addition, the development of a certain amount of land
33 within a municipality for industry is not only desirable, but
34 necessary to support the residential housing in the community.
35 Under the council’s formula for the fair share housing obligation,
36 promulgated pursuant to the “Fair Housing Act,” a municipality
37 could be faced with an increase of its affordable housing obligation
38 upon a contaminated remediation, or upon the development of any
39 industrially zoned land. In addition, the developer of the such land
40 may be charged fees by the municipality if all of the land will not
41 be used for affordable housing construction. This results in a great
42 disincentive to remediate contaminated and for industry to locate to
43 a municipality. Some experts estimate that New Jersey is quickly
44 running out of developable land, and therefore incentives to
45 remediate contaminated land should be provided, rather than
46 policies which serve as disincentives to such remediation. The
47 economic necessity of attracting business and industry to New
48 Jersey speaks for itself. Since industrial zones are permitted under
49 current land use statutes, development of such zones should not be
discouraged.